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June 22, 2020

Town of Millville  
36404 Club House Road  
Millville, DE 19967

Attn: Debbie Botchie  
Town Manager

Re: Windrow & Nalewaik Site Plan Review  
Millville, Delaware  
GMB File No. R180151.00

Dear Ms. Botchie:

We have completed our review of the Boundary Survey Plan with Improvements dated June 1, 2020, as submitted by Colleen Bisha and Melissa Nalewaik. The site is located on Tax Map Parcel 134-12.00-1739.00 and zoned C-1 with two existing entrances on Atlantic Avenue. The submission was reviewed per Town of Millville Code Sections 155-13 C1-Town Center Commercial District and 155-66 Site plan approval and generally accepted engineering principles. Specific comments were made regarding individual components of the submittal and are discussed below.

**General**

1. The Per Town Code Section 155-13, Paragraph F, Item 1, Part a:  
Minimum [1] Lot frontage: 100 feet and [3] each side yard 15 feet. The lot is zoned C-1 with only 60 feet of lot frontage and the existing structure is located within the side yard setback.
2. According to Town Code Section 155-36 Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. Any remaining portion of the building or structure shall be removed from the premises without delay, and in any case, within 180 days of the date of the damage;

C. In the event that the cost of repair or replacement is 50% or less of the physical value, the building or structure may be repaired and used for the same purposes, provided that the original nonconformity is not exceeded, and repair or reconstruction is begun within 180 days of the date the building or structure was damaged. The new construction must comply with all new or revised ordinances other than the original noncompliance;

D. When a conforming or nonconforming building is destroyed by fire, explosion, or by any other cause, the debris from such building shall be removed from the premises within 30 days so that the same shall not remain as a nuisance thereon;

E. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;

F. Any existing lot on which a building or structure is located and which lot does not meet the minimum lot size, or a structure which does not meet all the yard requirements, may have additions to the principal building and/or construct an accessory building without an appeal to the Board of Adjustment, provided:

- (1) The total permitted building coverage is not exceeded;
- (2) The accessory building and/or any addition do not violate any other requirements of this chapter, such as but not limited to height, setback, and parking; and

G. If any such nonconforming use of land ceases for any reason for a period of more than a year and a day, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

**The proposed plan is a nonconforming lot that meets the requirements of section 155-36 of the Town Code.**

3. The Per Town Code Section 155-13, Paragraph F, Item 1, Part (a) Section 5

[a] When the rear lot line of a C1-Town Center Commercial District parcel abuts a residentially zoned parcel or residential use, the rear building setback along the common property line shall be expanded to a minimum of 30 feet. A landscape buffer area of no less than 10 feet in width shall be provided in the thirty-foot setback area.


[b] A buffer planting strip not less than 10 feet wide shall be provided along all side lot lines which form a common lot line with any residential district or residential use.:

**A 10 ft landscape buffer has been shown on the portion of each side yard not occupied by the existing driveways.**

4. Per Town Code Section 155-66, Paragraph E, part 3, item i: The preliminary plan shall show the location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property; **The gravel driveway is shown on lot 2 and 3. A copy of the Shared Driveway Agreement is attached to this letter.**
5. Per Town Code Section 155-66, Paragraph E, part 3, item t: The preliminary plan shall show the approximate location and size of all existing and proposed nonstructure or pavement areas or significant natural features, including but not limited to buffer areas, landscaping, wooded areas and bodies of water; **A landscaping plan is required per Town Code Section 155-22, Paragraph A: In the setback areas of any commercial establishment in any zoning district adjacent to Route 26 or Route 17, a landscape plan shall be submitted and approved with each site plan. Setback areas shall retain existing vegetated areas to the maximum extent possible. Screening of service yards and other places that tend to be unsightly shall be accomplished by the use of walls, fencing, planting or combinations of these. Screening shall be effective in winter and summer. In areas where vegetation does not exist, additional landscaping shall be provided utilizing earth mounds or plant material, or both. Landscape plantings should be indigenous to local areas and should provide a soft visual buffer between the roadway and the commercial use. Nonnative invasive species are prohibited.**

If you have any questions, please contact me at 302.628.1421. Thank you.

Sincerely,

  
Andrew J. Lyons, Jr., P.E.  
Sr. Project Engineer

AJL/ccd